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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,883	10/10/2001	John R. Hind	RSW920010194US1	7074

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EXAMINER

WOO, ISAAC M

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 05/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/973,883

Applicant(s)

HIND ET AL.

Examiner

Isaac M Woo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to Applicant's Amendments on March 18, 2004 have been considered but are deemed moot in view of new ground of rejections below.
2. Claims 1-3, 6-10, 16 and 18-19 are amended. Claims 1-19 are pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horvitz et al (U.S. Patent No. 6,161,130, hereinafter, "Horvitz").

With respect to claims 1, 9-10 and 18-19, Horvitz discloses, method for organizing electronic objects (email message classifier, col. 4, lines 40-67 to col. 5, lines 1-21), selecting, by a user, an element of a rendered representation of an electronic object (email messages displayed) in a manner consistent with settings defined to connote selection of organizing criteria (by email classifier), see (Fig. 2, col. 4, lines 40-

67 to col. 5, lines 1-21, col. 7, lines 40-67 to col. 8, lines 1-67 to col. 9, lines 1-51, incoming e-mail messages displayed. by user's request, email messages are classified, for instance, emails connoted as sapm displayed in spam folder, 227, fig. 2); and concluding, responsive to the selecting, that the user has indicated that the element is to become a criteria for organizing electronic objects, see (Fig. 2, col. 4, lines 40-67 to col. 5, lines 1-21, col. 7, lines 40-67 to col. 8, lines 1-67 to col. 9, lines 1-51, for instance, spam emails are classified); Horvitz does not explicitly disclose, using the selected element to format a rule that can be subsequently be used for organizing stored documents. However, Horvitz discloses, "the classifier is trained using a set of m e-mail messages (i.e., a "training set", where m is an integer) that have each been manually classified as either legitimate or spam. In particular, each of these messages is analyzed to determine from a relatively large universe of n possible features (referred to herein as a "feature space")", see (col. 10, lines 9-38). This teaches that the trained set of email messages are previously selected and classified and these features are used for new email message classification. Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to include using the selected element to format a rule that can be subsequently be used for organizing stored documents in the system of the Horvitz. Because the information from trained documents are used as a standard or threshold for next document classification.

With respect to claim 2, Horvitz discloses, defining the settings, see (fig. 5A-B, col. 22, lines 39-67 to col. 23, lines 1-65).

With respect to claims 3 and 7, Horvitz discloses, the selecting a word, a phrase, or one or more contiguous characters, see (fig. 5A-B, col. 22, lines 39-67 to col. 23, lines 1-65).

With respect to claims 4-5, Horvitz discloses, the word, the phrase, or the characters is/are contained in a text document and e-mail message, see (fig. 5A-B, col. 22, lines 39-67 to col. 23, lines 1-65).

With respect to claims 6 and 8, Horvitz discloses, selecting a portion of one or more image file, see (fig. 5A-B, col. 22, lines 39-67 to col. 23, lines 1-65).

With respect to claims 11-15, Horvitz discloses, using a mouse device, light pen, plasma panel, audio and video mechanism, see (fig.1, fig.2, fig. 4, col. 21, lines 18-67 to col. 22, lines 1-39).

With respect to claim 16, Horvitz discloses, swiping an element of a particular electronic object multiple times, see (fig.1, fig.2, fig. 4, col. 21, lines 18-67 to col. 22, lines 1-39).

With respect to claim 17, Horvitz discloses, the index becomes adaptive, see (fig. 5A-B, col. 22, lines 39-67 to col. 23, lines 1-65).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lee (U.S. Patent No. 6,662,178) discloses the system for searching and organizing intellectual property (IP) is provided. In an exemplary embodiment, a search and organization server is provided with one or more modules to create and process search queries to be run on local or remote database systems. An IP thesaurus module

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may be provided for developing a list of elements (e.g., words, textual phrases, concepts, representations, numbers, identifications, pictures, graphics, features, etc.) found in select intellectual property information (e.g., groupings of patents). In accordance with an exemplary embodiment, the list of elements may be used as an aid in learning a new technology, as a search tool to refine search queries or criteria, as a drafting tool to assist in the preparation of technical or legal documents (e.g., proposals, licenses, patent applications, etc.), or any other practical use.


Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac M Woo whose telephone number is (703) 305-0081. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IMW
May 13, 2004


SHAHID ALAM
PRIMARY EXAMINER